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October 25, 2024

VIA ECF

Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Mazzaccone, et al. v. Bolivarian Republic of Venezuela*
Civil Case No.: 1:24-cv-06168-DLC

Dear Judge Cote:

We represent the Plaintiffs in the above-captioned matter. We write pursuant to Rule 1.A of Your Honor's Individual Practices in Civil Cases and to respond to the Court's October 17, 2024 Order (D.E. 7) directing Plaintiffs to apprise the Court of the status of service of the summons and complaint in this action upon the defendant, The Bolivarian Republic of Venezuela (the "Republic"), which, per the Court's separate October 17, 2024 Order, must be completed no later than February 10, 2025. (D.E. 6.). As explained below, we have undertaken preliminary steps to serve the Republic through diplomatic channels consistent with the Foreign Sovereign Immunities Act ("FSIA"), but expect the process to take several months based on prior experience.

As we previously reported in Plaintiffs' October 17, 2024 letter motion, Plaintiffs filed the complaint in this action on August 14, 2024 against the Republic, a foreign sovereign who can only be served pursuant to the methods set forth in 28 U.S.C. § 1608(a). As that letter motion explained, the only viable statutory method of service on the Republic is through diplomatic channels through the United States Department of State, pursuant to Section 1608(a)(4) of the FSIA. (D.E. 6 at 1-2.) As reflected in Docket Entry 8 in this action, the Clerk transmitted the materials to the State Department on October 21, 2024 pursuant to the Clerk's Office Foreign Mailing Instructions regarding Procedures for Service Pursuant to 28 U.S.C. § 1608(a)(4). The next step in this process is for the State Department to transmit the materials to the Republic through diplomatic channels and then transmit a certified diplomatic note to the

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Clerk confirming the same. 28 U.S.C. § 1608(a)(4). The date of service will be the date reflected in that note. *Id.* § 1608(c)(1). Based on our experience serving the Republic in other matters through the State Department, this process can take several months.

Since the Court's October 17, 2024 Order, we have been in touch with employees of the State Department's Office of the Legal Advisor who are responsible for administering service through diplomatic channels. Although the materials transmitted by the Clerk were signed for on October 22, 2024, the specific individuals tasked with service informed us that they have not yet received the papers required to proceed with service under Section 1608(a)(4). Further, our most recent correspondence did not provide an estimated date of service "due to issues beyond [the State Department's] control (i.e., mailing delays, country issues, etc.)." Notwithstanding the foregoing, we are hopeful that service can be effected by the February 10, 2024 deadline. We will of course notify the Court should we learn that the Republic has been served before February.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony J. Costantini", written in a cursive style.

Anthony J. Costantini

AJC/sl